

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Scott Allen Patzke,

Plaintiff,

vs.

Dora B. Schriro, et al.,

Defendants.

No. CV 02-1705-PHX-NVW (ECV)

ORDER

Plaintiff has filed a Motion to Strike Portions of Defendants' Statement of Facts (Doc. #80) in which he claims that some of the statements in the statement of facts supporting Defendants' motion for summary judgment are inadmissible and should be stricken. Defendants have filed a Response (Doc. #86) in which they argue that the statements are properly supported and the court should be permitted to consider them in deciding the summary judgment motion. After review of the motion and the response, the court finds that the challenged statements are sufficiently supported by affidavits. If when deciding the motion for summary judgment the court concludes that there is insufficient foundation or some other defect in the contents of an affidavit, the court can disregard the information. Plaintiff's motion will therefore be denied.

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1 **IT IS THEREFORE ORDERED:**

2 That Plaintiff's Motion to Strike Portions of Defendants' Statement of Facts (Doc. #80)
3 is **denied**.

4 DATED this 23rd day of November, 2005.

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Edward C. Voss
United States Magistrate Judge